

United States Bankruptcy Court
Eastern District of New York

In re:
Woodbury Development, LLC

Chapter 11
Case # 1-12-40652-jf

Debtor

Affidavit of Ari Chitrik – Managing Member of Woodbury Development LLC

STATE OF NEW YORK)
 } ss:
COUNTY OF KINGS)

Ari Chitrik, being duly sworn states the following:

- 1- I currently reside at 730 Eastern Parkway, Brooklyn NY 11213.
- 2- I am a managing partner in Woodbury Development, LLC. The LLC is the owner of a parcel of land in New York State.
- 3- The property is currently being foreclosed on.
- 4- A sale was scheduled for February 1st, 2007
- 5- What follows is based on conversations I had with Mr. Abe Backenroth and what I read on Pacer regarding our LLC.
- 6- On January 31st 2012, a day before the foreclosure sale, I was contacted by an attorney by the name of Abe Backenroth. He asked me to agree to file bankruptcy because that would stall the impending foreclosure sale.
- 7- I told him that since all it would do would be to delay the sale I emphatically do not want to agree to a bankruptcy filing. I don't want it on my record.
- 8- He then faxed me a form to sign that I resign as a managing member in the company and assign my membership interest back to the company. I refused to do that. I told him clearly that I will never sign and resign from the LLC. I never did sign the form he faxed to me.
- 9- We last spoke on the telephone at 5:10 PM when I reiterated my strong objection to having on my record that an LLC that I am associated with filed for bankruptcy. It's embarrassing.
- 10- To my shock and dismay, the next morning I found out from a broker that Woodbury filed for Bankruptcy. I then registered for the Pacer system and saw that despite my clear objection to file for bankruptcy Mr. Backenroth and his fellow attorney Mr. Frankel simply ignored me and filed for bankruptcy.

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NEW YORK

11- *To add to that they had the chutzpah of stating that I withdrew from the LLC!*

12- The reason for my affidavit is because now I read on Pacer a motion by a Mr. David Graubard, who says he is representing the note buyer. Mr. Graubard is asking the court to "saction" the LLC and make us pay his legal fees.

13- I just want to state clearly that I have no part at all in this bankruptcy and all attached to it. If the court rules that this entire bankruptcy was a sham and gives penalties to the managers of the LLC, I want the court to know that I have or had no part in this at all.

14- For example (in addition to the above improper filling by Mr. Backenroth against my clear wishes) See paragraph #25 of Mr. Graubard's motion. My partner Mrs. Harfeness claims that the property is worth \$14,000,000. That's ridiculous.

15- Why? The parcel is 129 acres. Of which about 40 is unusable wetlands. The rest is hilly and barren. There is no public water connected to the property. There is no sewer for the property. There is no electric to this property.

16- One of the reasons we were never able to sell this land is because it is right next to a former chemical plant. People are afraid to live near this site.

17- The land is zoned commercial and the town and village will never allow for a change of zoning. Even for commercial development it would take years until any type of building can begin. We had dozens of builders, investors and developers talk to us. All we got were sweet talks.

18- *No one ever offered us anything close to \$14,000,000.*

19- The property was never worth that much more than the price what we paid for it. I was conned into becoming a partner and investing millions of dollars (I am also a creditor of the LLC due to the loans I gave to the LLC) because I believed my partner's husband that a multimillion dollar sale was imminent to Metro North Railroads because they needed more parking space. True, their parking lot looked always full to capacity. But little did I know that it was a lie and just a few months after we bought the property they expanded their existing parking lot!

20- The property has been under water for close to four years and never did we receive an offer of anything close to \$14,000,000.

21- See also paragraph 37. It was her, and her only that filled for this bankruptcy. I had nothing to do with this filling and what she told the court is what **she** wants the court to think.

22- If she wanted to file a bankruptcy, she should have followed the partnership agreement and demand that we go to a din torah with Rabbi Halberstam. She never did that and I never received any summons to go to the din torah as is stated in the partnership agreement.

23- I repeat – I just want to protect myself and not be held responsible if the court is going to punish the LLC or the managers for filling improperly and with bad faith and then lying to the court about the ins and outs of the property.


Ari Chitrik

Ari Chitrik

Sworn to before me this
26 day of March 2012


Notary Public

MORDECHAI BECK
Notary Public, State of New York
No. 01BE4789173
Qualified in Kings County
Commission Expires May 31, 2015

STATE OF NEW YORK)
COUNTY OF N Y) ss.

On the 26th day of March , 2012, before me, the undersigned, personally appeared **Ari Chitrik** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

MORDECHAI BECK
Notary Public, State of New York
No. 01BE4789173
Qualified in Kings County
Commission Expires May 31, 2015